

1 MARIO N. ALIOTO, ESQ. (56433)  
2 LAUREN C. CAPURRO, ESQ. (241151)  
3 TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP  
4 2001 Union Street, Suite 482  
5 San Francisco, CA 94123  
Telephone: (415) 563-7200  
Facsimile: (415) 346-0679  
E-mail: malioto@tatp.com  
laurenrussell@tatp.com

*Lead Counsel for the Indirect-Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION ) MDL NO. 1917  
 )  
 ) Case No. 07-cv-5944-JST  
 )  
This Document Relates to: ) **DECLARATION OF GERARD A.**  
 ) **DEVER IN SUPPORT OF INDIRECT**  
Indirect Purchaser Class Action ) **PURCHASER PLAINTIFFS' RESPONSE**  
 ) **TO IRICO DEFENDANTS' MOTION IN**  
 ) **LIMINE NO. 7**  
 )  
 )  
 )  
 ) Hearing Date: December 15, 2023  
 ) Time: 2:00 p.m.  
 ) Courtroom: 6, 2nd Floor  
 )  
 ) The Honorable Jon S. Tigar

1 I, Gerard A. Dever, hereby declare and state as follows:

2 1. I am a member of the law firm Fine, Kaplan and Black, R.P.C., counsel for the  
3 Indirect Purchaser Plaintiffs (“Plaintiffs”) in the above-captioned action currently pending in the  
4 U.S. District Court for the Northern District of California. I am a member in good standing of  
5 the bar of the Commonwealth of Pennsylvania and I am admitted *pro hac vice* to practice before  
6 this Court. I submit this Declaration in support of Plaintiffs’ Response to Irico Defendants’  
7 Motion *In Limine* No. 7: to exclude evidence or inflammatory language regarding the guilty plea  
8 by Samsung SDI Company, Ltd.

9 2. Attached hereto as **Exhibit 1** is a true and correct copy of SDCRT-0086672-74  
10 and a certified translation (SDCRT-0086672E-74E), which is Samsung SDI meeting notes  
11 documenting “The Chinese Industry Meeting (August)” in August 1999, attended by Irico,  
12 Samsung SDI, and other CRT manufacturers.

13 I declare under penalty of perjury under the laws of the United States that the foregoing is  
14 true and correct.

15 Executed on September 1, 2023, in Philadelphia, Pennsylvania.

16 Dated: September 1, 2023

17 By: /s/ Gerard A. Dever

18 Gerard A. Dever  
19 Fine, Kaplan and Black, R.P.C.  
20 One South Broad Street, 23<sup>rd</sup> Floor  
21 Philadelphia, PA 19107  
22 Telephone: (215) 567-6565  
23 Facsimile: (215) 568-5872  
24 Email: gdever@finekaplan.com

25 *Counsel for Indirect Purchaser Plaintiffs*

# **EXHIBIT 1**



STATE of NEW YORK )  
                        )  
COUNTY of NEW YORK ) ss

**CERTIFICATE OF ACCURACY**

This is to certify that the attached document, "SDCRT-0086672 – SDCRT-0086674", originally written in *Korean*, is to the best of our knowledge and belief, a true, accurate and complete translation into *English*.

Dated: November 4, 2013

Seth Wargo  
Consortra Translations

Sworn to and signed before ME this  
4<sup>th</sup> day of November,  
2013.

Notary Public

JAMES G MAMERA  
Notary Public, State of New York  
No. 01MA6157195  
Qualified in New York County  
Commission Expires Dec. 4, 2014

Your  
legal  
translation  
partner

**China Same Industry Meeting (August)**

Time: August 5, 1999

Place: Hyunmu Restaurant in Nanjing, China

Participants:

- PHILIPS: Su Hwa Lee, FRANK, Young Ma, Dong Yoo, Sa Chun illegible
- IRICO: Ui Seng Lee, Mr. Sa, So Kul Wang
- SSDD: Myung Sik Lee, Jin illeble
- ORION: Jung Seng Park, Myung Hak Oh
- CPT: C.C. LIU, Kyung Song, illegible, Ui Yul Seo
- BMCC: Shin Moon Hwang

Major contents

1. Special lecture by MR. C.C.LIU (CPT headquarters administrator)

- 1) The industry meetings should remain confidential considering the international regulation of antitrust laws
- 2) F/UP on China regarding the top meeting decision
- 3) Discussions focused on 14"/15" prices

July PSI for each company and August plan (Refer to Attachment 1 for details)

- PHILIPS: 14" → 17" to take place next February, production expected in March (14/17" dual)
- CPT: 2 17" lines expected in August and September of next year
  - ☞ Current domestic customers: AOC, PHILIPS, EMC, AND ACER
- IRICO: 17" production to start the year after next year  
15" MAX CAPA = 120K/M (P + F + DY domestic production)
- BMCC: 14" expected to resume in September
- ORION: 14"/15" AOC sales decrease

2. Production of monitors in China in the 1<sup>st</sup> half of '99 (Refer to Attachment 2)

3. Price issues (based on MPR II): bottom price for key accounts

SIZE	August		September	
	Export price	Domestic price	Export price	Domestic price
14"	\$52	RMB540	\$52	RMB561
15"	\$68	RMB707	\$68	RMB illegible
17"	\$93	RMB967	\$93	RMB 1,004

Attachment 1 PSI and August Plan for companies

Customer	SIZE	July				August				Remarks	
		Production	Sales	Inventory	Production	Sales	Inventory				
		Total	Domestic	Export		Total	Domestic	Export			
PHS	14"	65	82	50	32	2	65	65	45	20	2
	15"	57	63	63		3	61	62	62		2
	15" *		121		121			90		90	
	17" *		72	40	32			80	30	50	
CPT	14"	148	181	10	171	57	160	176	10	166	41
	14" *		50		50			70		70	
	15"	159	161	76	85	25	160	159	65	94	26
	15" *		406		406			348		348	
	17" *		416		416			482		482	
BMCC	14"	0	27	27		8			1	7	
	15"			87							
IRICO	15"	80.5	87			18.5	85	80	80		23.5
ORION	14" *		10		10			20		20	
	15" *		30		30			70		70	
	17" *		25		25			30		30	
SDD	14"		123	40	83		165	165	55	110	
	15"	120	120	50	70		150	150	70	80	
	15" *		230		230			230		230	
	17" *		230		230			230		230	
	17" (SKD)	10			10						
LG	14" *										
	15" *										
TTL	14"	213	413	127	286	67	390	406	110	297	50
	14" *	0	60	0	60	0	0	90	0	90	0
	15"	416.5	431	276	155	46.5	456	451	277	174	51.5
	15" *	0	787	0	787	0	0	738	0	738	0
	17" *	10	743	40	703	10	0	822	30	792	0

Asterisk: Non-originating monitors

99000181

Attachment 2 Monitor production in China in the 1<sup>st</sup> half of '99

NO	%	14"	MAIN	15"	MAIN	17"	MAIN	19"	MAIN	TTL
1	AOC	650	C/P/O	880	C/P/O	467	L/P/C	28		3,025
2	EMC	285	S/C	600	S/C	450	S/C	70		1,405
3	LITE-ON	137	C	510	C	663	C	1		1,311
4	PHS(士奇)	238	P	557	P/C	394	P/C	1		1,190
5	ADI	210	S	730	S/T	110	H/T	0		1,050
6	COMPAL	11	C	398	C/S	345	C/S	0		752
7	NPG	0		367	S	166	T/H	7		540
8	TSED	55	S	410	S/T	60	S/T	0		525
9	MAG	20	S	230	S/SY	230	T/SY/S	0		480
10	ROYAL	0		0		410	L/TE	13	L	423
11	ACER	91	P/C	237	P/C/S	79	P	0		407
12	PHS(普特)	38	C/P	193	C	155	C/M	0		384
13	IRICO	50	P	280	I/P	20	P/C	2		352
14	DELTA	0		80	T	250	S/C/L	10		320
15	CGC	145	S/P/BKML	100	L/P	0		0		245
16	DAEWOO(W)	40	S	194	I/S	6	S	0		240
17	Q-RUN	10	S	78	C/S	139	C/S	7		234
18	K-TRON	170	C	29	C	3	C	0		202
19	PIC	15	S/C	100	L	60	L/P/C	5		180
20	GVC	20	S	65	S/C/L	17	L/C	0		150
21	SP-T	45	S	79	S/C	0		0		145
22	XOCECO	60		0	S/L	20	C	0		145
23	RFC	8	P	40	S/C	41	L	0		128
24	WESTLAKE	0	L	80		110	MIT			110
25	T-SOMA	60	P	40	P	0		0		100
26	LG(TONTRU)	10	L	80	L	10	L			100
27	POUNDER	50	B/P	40	I/P	0				90
28	JIANSONG	0		78	C	0				78
29	KTC	60	B/S	10	I	0				70
30	ESAI	47	S	18	S/I	2	S			67
31	HEMC	12	S	63	S	0				65
32	LIKON	30	S	30	L/S	0				60
33	DTS	40	P	20	P	0				60
34	LANGUANG	40	O/P	15	L	0				55
35	YUAN ZIN	10	S	22	L	17	L			49
36	COVEFORD	15		15		12				42
37	BIGTIDE	0		35	P	0				35
38	GUANLI			24		0				
39	OTHERS	20		10		2				32
TOTAL		2,690		6,798		4,238		144		13,870
%	19%		49%		30.58%		1.04%			

99000182

\* S→SDD, C→CPT, P→PHILIPS, B→BMCC, O→ORION, T→TOSHIBA, L→LG,  
MIT→MITSUBISHI, M→MASUSHITA, H→HITACHI, TE→TECO

## 중국 동업계 Meeting (8월)

時 間: 1999/08/05

場 所: 中國 南京, 玄武大酒店

參席人員:

- PHILIPS 李修華, FRANK, 馬冰, 劉東, 魏思泉
- IRICO 李衛生, MR.沙, 王昭杰
- SSDD 李明植, 楊真
- ORION 朴正生, 吳明學
- CPT C.C.LIU, 呂鏡松, 余偉列
- BMCC 黃新文

주요 내용

### 1. MR. C.C.LIU (CPT 본사 업무처장) 특강

- 1) 독과점 금지의 국제 법규를 고려, 동업계 Meeting 비밀 유지
- 2) Top Meeting 결정에 대해 중국대륙 F/UP
- 3) 14" / 15" 가격 중점 논의

### 2. 7월 업체별 PSI 및 8월 계획 (상세 내용 첨부1 참조)

- PHILIPS: 14" → 17" 내년 2월 개조, 3월 생산 예정(14/17" 겸용)
- C P T : 17" 2 Line 내년 8~9월 예정
  - ☞ 현재 내수판매처; AOC, PHILIPS, EMC, ACER
- IRICO : 17" 생산 내년 이후로 연기
  - 15" MAX CAPA = 120K/M (P +F +DY 국산화)
- BMCC : 14" 9월 재개 예정
- ORION : 14"/15" AOC 판매 감소

### 3. '99 상반기 중국 MONITOR 생산 실적 (첨부 2 참조)

### 4. 가격문제(MPR II 기준); Bottom Price For Key Account

SIZE	8월		9월	
	수출가	내수가	수출가	내수가
14"	\$52	RMB540	\$52	RMB561
15"	\$68	RMB707	\$68	RMB731.80
17"	\$93	RMB967	\$93	RMB1,004

첨부 1. 7월 업체별 PSI 및 8월 계획

거래선	SIZE	7월					8월					비고	
		생산	판매			재고	생산	판매			재고		
			총계	내수	수출			총계	내수	수출			
PHS	14"	65	82	50	32	2	65	65	45	20	2		
	15"	57	63	63		3	61	62	62		2		
	15" *		121		121			90		90			
	17" *		72	40	32			80	30	50			
CPT	14"	148	181	10	171	57	160	176	10	166	41		
	14" *		50		50			70		70			
	15"	159	161	76	85	25	160	159	65	94	26		
	15" *		406		406			348		348			
	17" *		416		416			482		482			
BMCC	14"	0	27	27		8				1	7		
	15"			87									
IRICO	15"	80.5	87			18.5	85	80	80		23.5		
ORION	14" *		10		10			20		20		14" 감소	
	15" *		30		30			70		70			
	17" *		25		25			30		30			
SDD	14"		123	40	83		165	165	55	110			
	15"	120	120	50	70		150	150	70	80			
	15" *		230		230			230		230			
	17" *		230		230			230		230			
	17" (SKD)	10				10							
LG	14" *												
	15" *												
TTL	14"	213	413	127	286	67	390	406	110	297	50		
	14" *	0	60	0	60	0	0	90	0	90	0		
	15"	416.5	431	276	155	46.5	456	451	277	174	51.5		
	15" *	0	787	0	787	0	0	738	0	738	0		
	17" *	10	743	40	703	10	0	822	30	792	0		

표시는 역외산 의미함

99000181

첨부 2. '99 상반기 중국 MONITOR 생산 현황

NO	제조사	14"	MAIN	15"	MAIN	17"	MAIN	19"	MAIN	FTE
1	AOC	650	C/P/O	880	C/P/O	467	L/P/C	28		2,025
2	EMC	285	S/C	500	S/C	450	S/C	70		1,405
3	LITE-ON	137	C	510	C	663	C	1		1,311
4	PHS(소주)	238	P	557	P/C	394	P/C	1		1,190
5	ADI	210	S	730	S/T	110	H/T	0		1,050
6	COMPAL	11	C	396	C/S	345	C/S	0		752
7	NPG	0		367	S	166	T/H	7		540
8	TSED	55	S	410	S/T	60	S/T	0		525
9	MAG	20	S	230	S/SY	230	T/SY/S	0		480
10	ROYAL	0		0		410	L/TE	13	L	423
11	ACER	91	P/C	237	P/C/S	79	P	0		407
12	PHS(동관)	36	C/P	193	C	155	C/M	0		384
13	IRICO	50	P	280	I/P	20	P/C	2		352
14	DELTA	0		60	T	250	S/C/L	10		320
15	CGC	145	S/P/B/O/L	100	L/P	0		0		245
16	DAEWOOD(W)	40	S	194	I/S	6	S	0		240
17	Q-RUN	10	S	78	C/S	139	C/S	7		234
18	K-TRON	170	C	29	C	3	C	0		202
19	FIC	15	S/C	100	L	60	L/P/C	5		180
20	GVC	20	S	65	S/C/L	17	L/C	0		150
21	SP-T	45	S	79	S/C	0		0		145
22	XOCECO	60		0	S/L	20	C	0		145
23	KFC	8	P	40	S/C	41	L	0		128
24	WESTLAKE	0	L	80		110	MIT			110
25	T-SOMA	60	P	40	P	0		0		100
26	LG(TONTRU)	10	L	80	L	10	L			100
27	FOUNDER	50	B/P	40	I/P	0				90
28	JIANSONG	0		78	C	0				78
29	KTC	60	B/S	10	I	0				70
30	KSAI	47	S	18	S/I	2	S			67
31	HEMC	12	S	53	S	0				65
32	LIKON	30	S	30	L/S	0				60
33	DTS	40	P	20	P	0				60
34	LANGUANG	40	O/P	15	L	0				55
35	YUAN ZIN	10	S	22	L	17	L			49
36	COVEFORD	15		15		12				42
37	BIGTIDE	0		35	P	0				35
38	GUANLI			24		0				
39	OTHERS	20		10		2				32
TOTAL		2,690		6,798		4,238		144		13,870
%		19%		49%		30.56%		1.04%		

99000182

\* S→SDD, C→CPT, P→PHILIPS, B→BMCC, O→ORION, T→TOSHIBA, L→LG,  
 MIT→MITSUBISHI, M→MASUSHITA, H→HITACHI, TE→TECO